

## REMARKS

### I. Office Action Summary

Claims 1-77 are pending. In the Restriction Requirement mailed September 15, 2004, the Examiner stated her position that the claims identified two species with multiple subspecies. As presented by the Examiner, the species/subspecies breakdown is as follows:

Species I = Retinal Stimulation Device

Subspecies 1 = FIGS. 2A & 2B

Subspecies 2 = FIGS. 3A & 3B

Subspecies 3 = FIGS. 4A & 4B

Subspecies 4 = FIGS. 5A & 5B

Subspecies 5 = FIG. 6

Species II = Retinal Stimulation Device Location

Subspecies 6 = FIG. 2C

Subspecies 7 = FIG. 3C

Subspecies 8 = FIG. 3D

Subspecies 9 = FIG. 7

Subspecies 10 = FIG. 8

Subspecies 11 = FIG. 8

### II. Election of Subspecies from Each of the Identified Species

The Examiner has requested that Applicant elect one subspecies from each of the species. Applicant elects, with traverse, subspecies 1 and 6.

The Examiner requested that Applicant identify claims readable on these elected species. Applicant submits that at least the following claims are readable on the elected subspecies:

As for elected subspecies 1: claims 1-5, 7-11, 16-19, 21, 25-36, 38-39, 43-47, 49, and 53-61.

As for elected subspecies 6: claims 1-5, 7-11, 16-19, 21, 25-36, 38-39, 43-47, 49, and 53-61.

Applicant traverses on the grounds that a number of generic claims are present, for example claims 1 and 30, that would cover the various subspecies the Examiner has asserted.

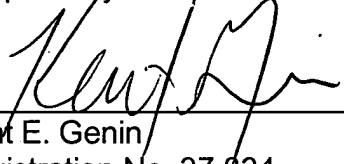
### **III. Conclusion**

Applicant amended claims 2, 4, 29, 34 and 77 to further clarify and expand the language of those claims. The amendment to claim 2 is intended to streamline the list of items of improved perception as well as clarify that the improved perception may be in any one or more of the areas listed. Claim 4 has been amended to clarify that only one of the two items listed is required, not one of each. Claim 29 is amended to remove a redundant reference to choroidal disease in the Markush listing. Claim 34 is amended to clarify that one or more of the identified areas may be stimulated. Finally, claim 77 is amended to clarify that the location may be in only one of the two listed areas. Applicant submits that the amendments to these claims leave the claims with the same or greater scope than the originally filed versions. Applicant submits that these amendments are fully supported by the specification as filed and that no new matter has been added.

A correction has also been made to an obvious error in the date of the priority claim.

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Respectfully submitted,

  
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